

### **REMARKS/ARGUMENTS**

Pursuant to 37 C.F.R. § 1.116, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

#### **In the Claims**

Claims 1 – 10 and 13 - 16 are presented for Examiner Reichle's consideration.

Claims 1, 7, 13 and 15 have all been amended to correct informalities objected to by the Examiner and to clarify that hydrophilic first apertured nonwoven layer of the present invention contacts the body of the wearer.

Claims 11 and 12 have been cancelled.

#### **Summary of Invention**

This invention relates to liners for personal care products having a hydrophilic first body-contacting apertured nonwoven layer laminated with a hydrophobic second apertured layer. The apertures of the layers may be aligned. The first body-contacting layer can be made up of fibers having durable hydrophilicity. The second layer can be made up of fibers with non-durable hydrophilicity. This type of liner can be used in various personal care products, including pantliners, and has the benefit of rapid fluid intake and prevention of the fluid moving upwardly towards the wearer.

#### **1. Objection to the drawings.**

As indicated in the Office Action Summary of the Office Action sent by Examiner on Nov. 25, 2003, Fig. 2 and Fig. 3 were filed and accepted on Sept. 15, 2003. However, Applicants inadvertently failed to supply Replacement Sheets of the drawings as required by 37 C.F.R. § 1.121. Replacement sheets of the drawings, as amended, are attached. No new matter has been added to the drawings.

Examiner Reichle has objected to the drawings under 37 C.F.R. § 1.83(a) as failing to show every feature of the invention specified in the claims. Specifically, the Examiner contends that the nonwoven or fibrous nature of the layers as claimed in claims 1 – 14 still must be shown or the feature(s) cancelled from the claim(s).

Fig. 3 has been amended to add markings to indicate the nonwoven or fibrous nature of the layers as claimed in claims 1 – 10 and 13 – 16. Accordingly, the Applicants respectfully request that the amendment be entered and the objection to the drawings be withdrawn.

## **2. Objection to informalities in the description and claims.**

In the disclosure, the amendment to the paragraph beginning at page 10, line 6 has been amended to correct the informality objected to by the Examiner.

Claims 1, 7, 13, and 15 have all been amended to correct the informalities as objected to by the Examiner.

## **3. Rejection of claims for indefiniteness**

By way of the Office Action mailed November 25, 2003, Examiner Reichle rejected claims 11 and 12 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claims 11 and 12 have been canceled.

## **4. Rejection of claims for anticipation by Chen et al.**

By way of the Office Action mailed November 25, 2003, Examiner Reichle rejected claims 1 – 16 under 35 U.S.C. § 102 as allegedly being anticipated and thus unpatentable over PCT patent publication number WO 98/42290 to Chen et al. This rejection is respectfully **traversed** to the extent that it may apply to the present claims.

Chen teaches a dual-zoned absorbent web comprised of a web of wet-resilient, hydrophilic basesheet with a three-dimensional topography with elevated regions onto which hydrophobic matter is deposited. The hydrophobic material is deposited on the uppermost regions of the hydrophilic web. See Chen at page 3, lines 12-16; paragraph bridging pages 3 and 4; embodiments on page 9 to page 11; paragraph bridging pages 35 and 36; paragraph bridging pages 42 and 43; and Figures 1, 5 and 14 where 1 is the hydrophilic basesheet and 2 is the hydrophobic material.

Chen teaches that the hydrophobic material is placed in position to be against the wearer's skin in order to increase a feeling of dryness, and in some embodiments, improve softness. See Chen at page 3, lines 8 – 17; paragraph bridging pages 3 and 4; page 5, lines 20 – 22; page 35, lines 28 – 29; and paragraph bridging pages 50 – 51.

In contrast, the present invention is a liner material comprising a first body-contacting layer of hydrophilic material with a second layer of hydrophobic material laminated underneath. The present invention differs from Chen in that Chen teaches putting hydrophobic fibers on the uppermost body-contacting surface of a nonwoven web while the present invention places a hydrophilic layer against the skin. Therefore, the Applicants assert that the present invention is not anticipated by the Chen patent.

Examiner Reichle specifically cites Chen at page 48, lines 19 – 21 and 26 – 27 as teaching a hydrophobic layer laminated to a hydrophilic to form a web which can be laminated to other like webs and contends that the hydrophilic layer of the uppermost web of a laminate would be bodyside with respect to the hydrophobic layer of the underlying web of a laminate.

However, the cited paragraph of Chen (page 48, lines 19 – 28) teaches a multi-ply basesheet structure and laminates with one or more layers being the dual-zoned absorbent webs with hydrophobic fibers superposed on the multi-ply basesheet structure. This embodiment, as with the other embodiments of Chen, puts the hydrophobic on the uppermost layers of the structure. Again this fits with the teachings of Chen to put hydrophobic material against the skin of the wearer in order to provide a dry feel and, in some cases, provide softness.

For these reasons claims 1 – 10 and 13 - 16 are believed to be patentable over Chen. Applicants respectfully request that the rejection based on 35 USC §102(b) be withdrawn.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Lastly, Examiner Reichle's attention is drawn to the fact that the Taiwan Intellectual Property Office has cited Taiwan Patent Publication No. 443,965 to Braverman et al. in an official notice to the foreign counterpart application of the present application. Taiwan Patent Publication No. 443,965 is the foreign counterpart to U.S. Patent 6,168,849 B1 to Braverman et al. A copy of both the English translation of Taiwan Patent Publication No. 443,965 and U.S. Patent 6,168,849 B1 have been included herewith. As the cited publication and corresponding U.S. Patent are no more relevant than the information already submitted and considered by the Examiner, a formal Information Disclosure Sheet was not considered necessary. Examiner Reichle is requested to make of record receipt and include the cited patent publication and U.S. Patent in the application file.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (770) 587-8096.

Respectfully submitted,

KIM ET AL.

By: 

William D. Herrick

Registration No.: 25,468

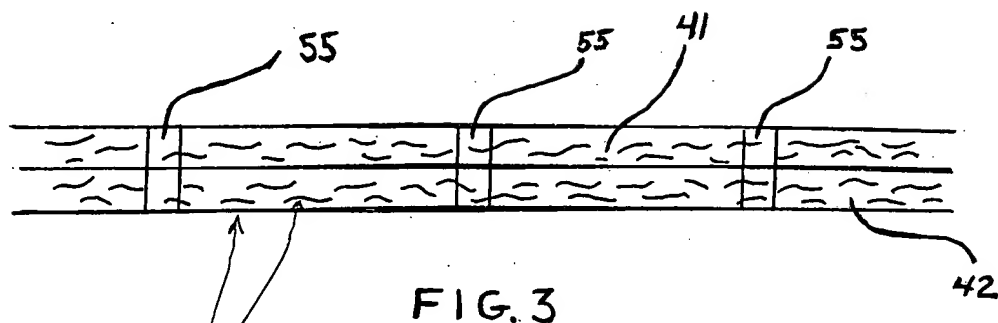
#### CERTIFICATE OF MAILING

I, Nathan P. Hendon, hereby certify that on January 9, 2004 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Nathan P. Hendon

**Annotated Marked-up Drawings**



*Markings (shown in red) added to indicate nonwoven or fibrous nature of layers 41 and 42 as claimed in claims 1-14.*